

REMARKS

This Request for Continued Examination (RCE) is being filed within two months of the Final Office Action outstanding, dated September 26, 2007. Claims 15, 23 and 24 have been amended. New claims 25-33 have been added. No additional claim fee is required. The fee for filing of an RCE is included herewith.

In the Office Action dated September 26, 2007, the Examiner rejected claim 24 under 35 U.S.C. 112, first paragraph, in stating that it is not clear how a "movable" support structure can "immovably" support a work piece. As explained in the specification, the horizontal support member is movably mounted on the vertical support member. When the horizontal support member is positioned as desired, a clamp is used to immovably secure the horizontal support member in position on the vertical support member, at which time the horizontal support member may immovably support a work piece. (Applicant's specification at page 4, lines 24-32). Accordingly, Applicant's claim 24 as written does comply with the enablement requirement and Applicant respectfully requests the Examiner to withdraw the rejection of claim 24 under 35 U.S.C. 112. Nevertheless,

Applicant has amended dependent claim 24 to recite that the horizontal support member is immovable "when said horizontal support member is secured on said vertical support member by said clamp." Accordingly, for this second, independent reason, Applicant requests the Examiner to withdraw the rejection of claim 24 under 35 U.S.C. 112.

In the Office Action dated September 26, 2007, the Examiner rejected claims 15, 17, 23 and 24 under 35 U.S.C. 102(b), as allegedly being anticipated by David (U.S. Pat. No. 5,188,323). Each of independent claims 15 and 23 have been amended and will be discussed below.

David discloses an Ambulatory Support Apparatus designed to support a medical fluid container (column 1, line 8 and column 2, line 29). As shown in David's FIGS. 1 and 4, hanger 14, which includes rod 40, supports a fluid bag 15 by a circular-aperture shaped hook (FIG. 1) positioned on a top surface of bag 15. Hanger 14 is manufactured of tubular, i.e., round cross-sectional shaped, members which facilitate hanging of bag 15 by its top circular-aperture shaped hook. Moreover, hanger 14 includes an upwardly extending protrusion 53 (FIG. 4) that prevents the circular-aperture shaped hook of bag 15 from falling off the end of David's hanger 14.

In contrast, Applicant's claim 15 as amended recites a "horizontal support member including an upper surface that defines a continuous flat expanse." Support for this amendment is shown in Applicants FIGS. 1, 2 and 6A which show a horizontal support member 18 having a flat upper surface. As discussed in the specification, a flat upper surface of horizontal support member 18 allows the lower surface 90 of a work piece 80 to be stably supported on the horizontal support member 18. (Applicant's specification at page 4, lines 26-28). Such a "continuous flat expanse" on a horizontal support member is not taught or suggested by David's tubular hanger 14. Moreover, David teaches away from a "continuous flat expanse" on an upper surface of its hanger 14 because the hook on the top of bag 15 of David's device includes a round shaped aperture that mimics the round shape of the tubular members of David's hanger 14.

Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 15 as amended, and dependent claim 17, and to allow these claims under 35 U.S.C. 102(b).

By this Response Applicant has amended claim 23 to recite "a rail sleeve slidably mounted on said horizontal support member, said rail sleeve including an upwardly extending stop surface." Support for this amendment is

shown in Applicants FIGS. 1, 2 and 6A which show a horizontal support member 54 having a rail sleeve 78 slidably mounted thereon. As discussed in the specification, a slidably mounted rail sleeve including an upwardly extending stop surface prevents a work piece positioned on horizontal support member 18 from falling rearwardly off the horizontal support member. (Applicant's specification at page 4, lines 20-23). "A rail sleeve slidably mounted on said horizontal support member, said rail sleeve including an upwardly extending stop surface" is not taught or suggested by David and Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 23 as amended, and dependent claim 24, and to allow these claims under 35 U.S.C. 102(b).

By this Response Applicant has added new claims 25-27 that are dependent on independent claim 15. New claims 28-33 are dependent on independent claim 23. Applicant believes that the limitations of newly added claims 25-33 are not taught or suggested by the cited prior art references and Applicant respectfully requests allowance of these claims.

Claims 7-10, 21 and 22 have been indicated as allowed.

Conclusion

All pending claims are believed to be in condition for allowance, and such allowance is respectfully solicited. If the Examiner should have any questions regarding this Amendment, a call to Applicant's counsel, Ms. Ingrid M. McTaggart at (503) 230-7934, is respectfully requested.

Respectfully submitted,

Ingrid McTaggart
Ingrid M. McTaggart, Reg. No. 37,180
Attorney for Applicant(s)

Ingrid M. McTaggart
3021 S. E. 56th Avenue
Portland, Oregon 97206-2003, U.S.A.
(503) 230-7934
THO600

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I hereby certify that this correspondence is being sent via first class mail, with sufficient postage, to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31st day of October, 2007.

Ingrid McTaggart